

1 Erin R. Ranahan (SBN: 235286)  
eranahan@winston.com  
2 Diana Hughes Leiden (SBN: 267606)  
dhleiden@winston.com  
3 Kelly N. Oki (SBN: 304053)  
koki@winston.com  
4 WINSTON & STRAWN LLP  
333 South Grand Avenue  
5 Los Angeles, CA 90071  
Telephone: (213) 615-1700  
6 Facsimile: (213) 615-1750

7 Attorneys for Defendants,  
AXANAR PRODUCTIONS, INC.,  
8 and ALEC PETERS

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11  
12 PARAMOUNT PICTURES  
CORPORATION, a Delaware  
13 corporation; and CBS STUDIOS INC., a  
Delaware corporation,

14 Plaintiffs,

15 vs.

16 AXANAR PRODUCTIONS, INC., a  
17 California corporation; ALEC PETERS,  
an individual; and DOES 1-20,

18 Defendants.  
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Case No. 2:15-cv-09938-RGK-E

*Assigned to: Hon. R. Gary Klausner*

**DISCOVERY MOTION**

**DECLARATION OF DIANA  
HUGHES LEIDEN IN SUPPORT OF  
DEFENDANTS' MOTION TO  
COMPEL DISCOVERY FROM  
PLAINTIFFS**

Date: October 21, 2016

Time: 9:30 a.m.

Place: Courtroom 20

Discovery Cutoff: November 2, 2016

Pre-Trial Conference: January 9, 2017

Trial: January 31, 2017

**DECLARATION OF DIANA HUGHES LEIDEN**

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2 1. I am an attorney at the law firm of Winston & Strawn LLP, attorneys for  
3 Defendants Axanar Productions, Inc. and Alec Peters in this matter. I am licensed to  
4 practice before the Courts of the State of California and this United States District  
5 Court. I have personal knowledge of the matters set forth herein, and if called as a  
6 witness, could and would competently testify thereto.

7 2. On September 8, 2016, I met and conferred with Plaintiffs' counsel,  
8 David Grossman, to discuss Plaintiffs' objections to Defendants' deposition notices  
9 served pursuant to Federal Rule of Civil Procedure 30(b)(6) and other pending  
10 discovery disputes and issues.

11 3. During this meeting, during a discussion of Plaintiffs' refusal to produce  
12 documents relevant to the market impact of the *Axanar* Works, which include the  
13 short mockumentary and the unfinished longer film, on the "*Star Trek* Copyrighted  
14 Works," which include the *Star Trek* Television Series, the *Star Trek* Motion Pictures,  
15 and the *Star Trek* Books, I asked if Plaintiffs would stipulate to the fact that the  
16 *Axanar* Works had no market impact on the *Star Trek* Copyrighted Works. Plaintiffs'  
17 counsel refused to stipulate to this.

18 4. During this meeting, I also asked Plaintiffs' counsel about Plaintiffs'  
19 refusal to produce witnesses to testify as to their policies regarding *Star Trek*-inspired  
20 fan fiction, their policing of the *Star Trek* Copyrighted Works, and Plaintiffs'  
21 revenues associated with *Star Trek* Copyrighted Works, which are directly relevant to  
22 Defendants' fair use defense. Though Plaintiffs' counsel indicated he would consider  
23 Plaintiffs' options and provide Plaintiffs' final position on those topics the following  
24 week, as of the date that Defendants served their portion of this Motion, Plaintiffs  
25 have yet to do so.

26 5. At this meeting, Plaintiffs' counsel reiterated Plaintiffs' objections to  
27 Defendants' request that Plaintiffs produce witnesses to testify as to any  
28 communications regarding the public statements made by J.J. Abrams and Justin Lin

1 regarding this lawsuit after the lawsuit was filed in December 2015. Plaintiffs’  
2 counsel refused to produce witnesses to discuss communications about these public  
3 statements made after the lawsuit was filed. As the statements at issue were made  
4 long after the lawsuit was filed, communications before they were made are of little  
5 interest to Defendants.

6 I declare under penalty of perjury that the foregoing is true and correct.  
7 Executed on September 21, 2016, at Los Angeles, California.

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/s/ Diana Hughes Leiden  
Diana Hughes Leiden